

DOUGLAS et al.
Appl. No. 10/554,266
November 25, 2008

REMARKS/ARGUMENTS

Reconsideration of this application is respectfully requested.

In response to the Examiner's requirement for restriction, Applicants elect the subject matter of Group II (claims 3-46, drawn to methods of nucleic acid analysis) for prosecution in this application. The election is made with traverse and the Examiner is requested to reconsider and withdraw the requirement for restriction for the reasons that follow.

In support of the requirement for restriction, the Examiner has cited Deere et al which the Examiner contends taught that ethylene glycol was found to increase fluorescent signals in FISH. In so contending, the Examiner appears to have misconstrued the Deere et al disclosure. What the disclosure actually refers to is an 18-carbon spacer arm consisting of six ethylene glycol moieties. Stated otherwise, Deere et al discloses the use of a polyethylene glycol unit of the formula:

$\text{-OCH}_2\text{CH}_2\text{OCH}_2\text{CH}_2\text{OCH}_2\text{CH}_2\text{OCH}_2\text{CH}_2\text{OCH}_2\text{CH}_2\text{OCH}_2\text{CH}_2\text{O-}$

It will be appreciated that each end of the above residue is attached to another species whereby the residue acts as a spacer arm.

The polyethylene oxide residue disclosed by Deere et al stands in contrast to the use of free ethylene glycol solvent ($\text{HOCH}_2\text{CH}_2\text{OH}$), which is the solvent to which claims 1 and 3 of the present application refer.

In view of the clear distinction between the present invention and the cited art, the Examiner is requested to withdraw the requirement for restriction and to consider all of the claims in this application.

Claims 3-46 are readable on the elected invention.

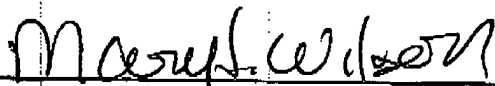
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An early and favorable Action is awaited.

Respectfully submitted,

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